

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WISCONSIN

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In re: Mark D. Ward & Amy J. Ward,  
Debtors

Case No.: 19-12735-cjf  
Chapter 13

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**AFFIDAVIT OF DEFAULT**

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STATE OF TEXAS, DALLAS COUNTY:

The undersigned, Brian Gaske, being first duly sworn, deposes and states as follows:

1. I am employed as Assistant Vice President by Rushmore Loan Management Services LLC ("Servicer"), and I am authorized to sign this affidavit on behalf of Servicer.
2. Servicer is the current servicer of the mortgage loan at issue, on behalf of U.S. Bank National Association, not in its individual capacity but solely as trustee for RMTP Trust, Series 2021 Cottage-TT-V ("Creditor").
3. Pursuant to my employment by Servicer, I act as a records custodian, for the benefit of the Creditor, as to the mortgage loan account at issue in this case.
4. As part of my job responsibilities, I have personal knowledge of and I am familiar with the types of records maintained by Servicer in connection with the account

that is the subject of the Motion (the "Account"), and the procedures for creating those types of records. I have access to and have reviewed the books, records and files of Servicer that pertain to the Account.

5. Servicer has possession, control, and responsibility for the accounting and other mortgage loan records relating to the Debtor's mortgage loan that is the subject of this motion. These records are created, kept and maintained in the ordinary course of business as a regular business practice, and they are prepared at or near the time of the transaction or event by a person with knowledge of the facts contained therein. I make this affidavit from my personal inspection of said records, and my own personal knowledge of how these records are created and kept and maintained.
6. Specifically, I have reviewed and have personal knowledge of the records related to the Account associated with the property described as 416 Herman Street, Arena, Wisconsin (the "Property").
7. Debtors have defaulted on their payment obligations ordered in the Court's 5/31/2022 Order Approving Stipulation Resolving Creditor's Motion for Relief. According to the relevant Account records, the following defaults have occurred:
  - A. The 7/1/2022 payment was untimely, received on 9/2/2022.
  - B. The 8/1/2022 payment was untimely, received on 10/11/2022.
  - C. The 9/1/2022 payment was untimely, received on 11/9/2022.
  - D. The 10/1/2022 payment was untimely, received on 11/9/2022.

E. The 11/1/2022 payment was untimely, received on 12/20/2022.

F. The 12/1/2022 payment was untimely, received on 1/13/2023.

G. The 1/1/2023 payment has not been received.

H. The 2/1/2023 payment has not been received.

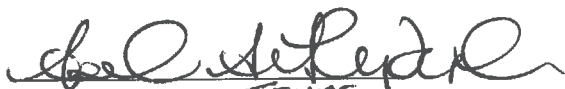
8. Accordingly, Creditor requests that the automatic stay be terminated as to the  
Property, in accordance with the relief requested in the motion.

Dated: February 27, 2023



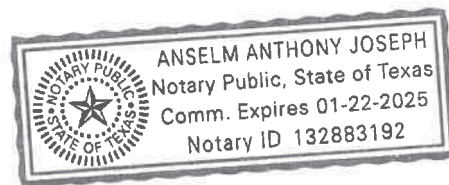
Brian Gaske

Signed and sworn to before me by BRIAN GASKE on the date of ~~2/24/20~~ 2/27/2023



Notary Public, State of TEXAS

My commission expires JAN 22 2025



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CERTIFICATE OF MAILING

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STATE OF WISCONSIN, MILWAUKEE COUNTY

I, Bryan M. Ward, certify that on the date of 3/5/2023, copies of these documents—  
Affidavit of Default, Certificate of Mailing—were mailed, properly enclosed in a postage paid  
envelope, or served electronically if the party accepts electronic service, to the following:

Via US Mail: Mark D Ward & Amy J Ward  
416 Herman Street  
Arena, WI 53503

Via ECF: Debtor's counsel  
Chapter 13 Trustee  
U.S. Bankruptcy Trustee

I declare under penalty of perjury that the information provided in this notice is true and  
correct to the best of my knowledge and belief.



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Bryan M. Ward, WI Bar # 1066268  
5555 N. Port Washington Rd, Suite 305  
Glendale, WI 53208  
414-271-4849  
[bmw@bryanwardlaw.com](mailto:bmw@bryanwardlaw.com)

***This is an attempt to collect a debt and any information obtained will be used for that purpose.  
If you have previously received a discharge of this debt in a U.S. Bankruptcy Court case, this  
communication is not, and should not be construed as, an attempt to hold you personally liable  
for any discharged debt.***